

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
December 5, 2007

PRESENT: Mayor Reed, Vice Mayor Cortese and Councilmember Chirco

ABSENT: Council Member Constant

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, Redevelopment Agency Assistant Director Gary Miskimon, Assistant Redevelopment Agency Director Abi Maghamfar, Communications Director Tom Manheim, Deputy City Manager Deanna J. Santana, Assistant to City Clerk Dottie Disher, and Mayor's Office Agenda Manager Alicia Bosco and Legislative Secretary Ruth Krantz

A. City Council

1. Review December 11, 2007 Final Agenda

Action: The Committee approved the following changes and additions to the December 11, 2007 Final Agenda:

- Item 6.2 (BART Extension) not to be heard before 3:00 p.m.
- Presentation of a proclamation in honor of the 59th anniversary of United Nations Declaration of Human Rights. (Chu)

2. Review of December 18, 2007 Draft Agenda

Action: The Committee approved the following changes and additions to the December 18, 2007 Draft Agenda:

- Item 10.5 (Evergreen East Hills Vision Strategy Project) is dropped for purposes of renoticing. Detail should be deleted from agenda to avoid confusion; history of item will remain on agenda.
- Presentation of a commendation to the Vietnamese American Heritage Project to be added. (Nguyen).
- Request for an excused absence for Council Member Liccardo. (Liccardo)
- Request for an excused absence for Council Member Nguyen. (Nguyen)
- Item. 9.1 (Downtown Zoning Overlay) item will be noted but deferred to the 12-18-07 agenda.

B. Redevelopment Agency

1. Review December 11, 2007 Final Agenda

Action: The Committee approved the December 11, 2007 Draft Agenda with no additional changes.

2. Review December 18, 2007 Draft Agenda

Action: The Committee approved the following additions and changes to the December 18, 2007 Draft Agenda:

- Item 7.1 to be dropped. (Miskimon)

C. Legislative Update

1. State

a. State Update

Documents Filed: 1) Memorandum from Director of Intergovernmental Relations Betsy Shotwell dated November 28, 2007 recommending acceptance of the 2008 Legislative Guiding Principles for the second year of the two-year Legislative Session in Sacramento and the 110th Congress.

Discussion: Committee members provided suggestions for modifications to include references to “renewable energy”, and San Jose’s “Green Vision”, as well as change in category for one goal relating to increasing resources to deter gang involvement.

Action: The Committee accepted the Legislative Guiding Principles, as amended.

2. Federal

None.

D. Meeting Schedules

None.

E. The Public Record

Document Filed: Memorandum from Lee Price, City Clerk dated November 30, 2007 transmitting the Public Record for the week of November 20-29, 2007.

Action: The Committee approved to note and file the Public Record.

F. Appointments to Boards, Commissions and Committees

1. Human Rights Commission

Documents Filed: 1) Letter from Human Rights Commission Member David Parker dated November 16, 2007, regarding events of November 15, 2007 Human Rights Commission meeting; and 2) Letter from Robert Sippel, Vice Chair San José Human Rights Commission regarding events of November 15, 2007 Human Rights Commission meeting; and 3) Letter from Robert Bailey, Commissioner San José Human Rights Commission, dated November 19, 2007 regarding events of November 15, 2007 Human Rights Commission meeting; and 4) Email from Imam Tahir Anwar, Imam and Director of Religious Services, South Bay Islamic Association dated November 20, 2007 regarding events of November 15, 2007 Human Rights Commission meeting; and 5) Draft San José Human Rights Commission minutes of

November 15, 2007; and 6) Draft San José Human Rights Commission By-Laws; and 7) Memorandum from City Attorney Doyle dated November 29, 2007 regarding Human Rights Commission appointments, and 8) Memorandum from Council Member Chu dated November 14, 2007 recommending individuals for appointment to the San José Human Rights Commission; and 9) Letter from David Parker dated December 5, 2007; and 10) Human Rights Commission Voting record; and 11) Letter of recommendation for David Parker from Sunshine Ordinance Task Force Chair, Doug Comstock; and 12) Letter of recommendation for David Parker from Sunshine Ordinance Task Force Administrator Donna L. Hall dated October 27, 2004; and 13) Letter from Assemblyman, Mark Leno dated June 1, 2004 offering support to David Parker.

The Committee reviewed related correspondence and the City Attorney's memorandum.

Public Comments: Human Rights Commissioner David Parker read a prepared statement into the record. Human Rights Commissioners Robert Sippel and Robert Bailey took exception to comments made by Mr. Parker.

Action: The Committee moved to forward all of the information reviewed, received and considered to the full City Council without a recommendation, and requested that the Council hear the matter not before 3:30 p.m. on January 8, 2008.

2. New Commissioner Appointments to the following Commissions: 1) Human Rights Commission; 2) Work2future Board of Directors.

Documents Filed: 1) Memorandum from Councilmember Chu dated November 14, 2007 recommending the appointment of Vanessa Burbach, Qi Deng and Edward Walker to the San José Human Rights Commission; and 2) Memorandum from Mayor Chuck Reed dated November 27, 2007 recommending the appointment of Tom Fink, Political Director of Amalgamated Transit Union Local 265, to serve as a mandatory representative of organized labor on the Work2future Board of Directors.

Action: The Committee the appointments.

G. Rules Committee Reviews, Recommendations and Approvals
None.

H. Review of additions to Council Committee Agendas
1. Community and Economic Development Committee
2. Neighborhood Services and Education Committee
3. Transportation and Environment Committee
4. Request for Transportation and Environment Committee Workplan
None.

I. Open Government Initiatives

1. Reed Reforms

2. Sunshine Reform Task Force

a. Review of remaining provisions of Sunshine Reform Task Force Phase 1 Report and Recommendations.

Documents Filed: 1) Current Noticing Practices of San José Boards, Commissions and Advisory Committees; and 2) Listing and description of San José Boards, Commissions and Advisory Committees; and 3) Memorandum from Communications Director Tom Manheim dated October 18, 2007 recommending that the City review and make recommendations on the remaining provisions of the Sunshine Reform Task Force's Phase I Report and Recommendations.

Discussion: Communications Director Tom Manheim provided an overview of the handouts. The Committee reviewed the Sunshine Reform Task Force (SRTF) recommendations for policy bodies, as applied to City boards and commissions. Assistant RDA Abi Maghamfar, Housing Director Leslye Krutko, Deputy Directors of Parks, Recreation and Neighborhood Services Cynthia Bojorquez and Julie Edmonds-Mares summarized current practices and challenges for advisory bodies their offices support.

SRTF Chair Ed Rast commented that the availability of audio recordings within a reasonable amount of time following meetings would make minutes less necessary. He added that the public desires reasonable notification and access to meeting documents available on-line.

Actions: The Committee tentatively agreed to the following requirements for City boards and commissions: 1) 7-day standard for posting regular meeting agendas and related staff reports; 2) distribution of supplemental memos – same as Council Committees; and 3) 4-day standard for posting special meeting agendas. The Committee agreed to continue the discussion beginning with recording requirements at the next meeting, as well as applying the SRTF recommendations to “standing” or “other” committees. The Committee also expressed an interest in understanding the difference between “minutes” and “synopsis”.

3. Significant Public Records Act Requests

Documents Filed: 1) Memorandum from Mayor Reed dated November 29, 2007 regarding San José Police Department's Response to Public Record Request.

Discussion: San José Police Captain Gary Kirby provided an oral report on the Department's response to a request for records as part of survey conducted by CalAware, as reported in the Mercury News. Brief questions followed regarding copying fees. Captain Kirby noted that the SRTF was considering a recommendation relating to a standard, citywide copy fee.

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- 4. Council Policy Manual Update**
None.

- J. Open Forum**
None.

- K. Adjournment**
The meeting was adjourned at 4:00 p.m.

Chuck Reed, Mayor
Rules and Open Government Committee